

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES July 10, 2001

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Jerry Blumenthal
Councillors: Stephen Streach
Gary Hines
Keith Colwell
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Stephen D. Adams
Bob Harvey
Len Goucher
Reg Rankin
Gary Meade

REGRETS:

Councillor Brad Johns

STAFF MEMBERS:

Mr. Dan English, Acting Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

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1. **INVOCATION**

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation.

2. **PROCLAMATIONS - NONE**

Acknowledgements

Councillor Hines acknowledged the recent accomplishments of Karen Furneaux, including winning three gold medals in the World Canoe and Kayak Championships and being the recipient of the IKON female athlete of the year award. Mayor Kelly advised correspondence to Ms. Furneaux has been sent.

Councillor Colwell asked that Council send congratulations to Kirk Johnson, the North Preston boxer, who defeated Larry Donald to become the number one ranked heavy weight contender in the world. Mayor Kelly agreed to send the correspondence.

Councillor Warshick noted several communities in the Annapolis Valley recently hosted the Gunn Balderson Soccer tournament, and many HRM residents took part in the annual event. The Councillor noted this tournament is billed as one of the largest soccer tournaments in Canada that is exclusively for women. The tournament attracted teams from all over Nova Scotia, as well as other parts of Canada and the United States. The Councillor recognized the efforts of the players, coaches, parents and fans of the Dartmouth United Soccer Club, which won five medals in the 10 divisions of the tournament. Councillor Warshick extended congratulations to all participants of the tournament. On behalf of all the participants from HRM, including Halifax City Wanderers, Halifax City Celtics, Dunbrack United, and a variety of other teams from HRM, Councillor Fougere recognized the phenomenal efforts of the Acadia University Athletics Department and the hosting towns for their work in this tournament.

3. **APPROVAL OF THE MINUTES - JUNE 25, JULY 3 & 4, 2001**

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Hetherington, that the minutes of June 25, July 3 & 4, 2001, be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

4. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

The following items were added to the agenda:

- 13.1 Councillor Adams - Request to Add Information Item #7 - Concerns re: Circuses - W. Hugh Chisholm, to the Regional Council Agenda
- 13.2 Legal Matter - Settlement of Claim
- 13.3 Legal Matter - Settlement of Claim

MOVED by Councillor Harvey, seconded by Councillor Goucher, that the Order of Business and Additions and Deletions be approved. MOTION PUT AND PASSED UNANIMOUSLY.

5. BUSINESS ARISING OUT OF THE MINUTES

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Area Rate for Sidewalk Snow Plowing - Existing Service Area (deferred July 3/01)

- A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

Mr. Reg Ridgley, Manager, Revenue and Process Audit, presented the staff report to Council.

Responding to a question of Deputy Mayor Blumenthal, Mr. Ridgley stated any costs associated with the direct delivery of the service are billed in the area rate. Items such as insurance claims, tax billing and staff administration would not be included in the area rate. In response to a further question of the Deputy Mayor, Mr. Phil Cochrane, Manger, Streets and Roads Services, stated snow damage, fence damage, sod damage, etc., is included in the area rate.

MOVED by Councillor Sarto, seconded by Councillor Goucher, that an area rate of \$0.020 per \$100 of assessment be levied against all residential, resource, commercial, business occupancy and commercial equipment properties receiving sidewalk snow clearing service.

Councillor Meade noted, prior to becoming a member of Council, he was on an Activity Based Costing Committee which examined the true cost for snow clearing in Dartmouth. The

Committee took into account items such as wages, cost of machinery maintenance, machinery storage, new machinery, depreciation of machinery, spring maintenance, etc. The true cost amounted to 10 cents and not 1.1 cents. The Councillor noted that \$89 was coming from the general tax rate to pay for this service, resulting in a significant subsidy to areas that had sidewalk snow clearing service.

Based on Councillor Meade's comments, Deputy Mayor Blumenthal suggested the matter should be further examined before it is approved. The Deputy Mayor inquired if it would be possible to defer the matter to next week. Mr. Ridgley stated approximately 70 different area rates have been set within this budget year and to address only this portion of activity based costing versus all the other approved area rates would cause some difficulty. He also noted that staff would like to have the tax bills out by August 14th. Ms. Dale MacLennan, Director, Financial Services, added that if this area rate is not approved before the summer break, it cannot be included in this year's taxes, and this would create an inconsistency. She stated the staff report could be provided following Council's summer break.

MOTION PUT AND PASSED UNANIMOUSLY.

**8.2 Review of By-Law S-200 Respecting Smoking
(deferred July 3/01)**

- Regional Council minute extracts regarding the above were before Council for its information, as well as staff reports dated October 20, 1998, March 23, 1998 and May 11, 1998.
- A copy of the By-Law Respecting Smoking in the Cape Breton Regional Municipality was before Council for its information.
- Information from Halifax Regional Municipality dated January 2000 regarding By-Law S-200 was before Council for its information.
- Correspondence from Robert Strang, Medical Officer of Health, Capital Health District, regarding the above, was circulated to Council.
- Correspondence from Allan Hone, Vice President, Smoke Free Nova Scotia, regarding the above, was circulated to Council.

MOVED by Councillor Harvey, seconded by Councillor Walker, that Council proceed as per the report dated June 29, 2001, to reactivate the working group and direct staff to come back with a report on the future of the Smoking By-Law and perhaps further increments in applying it.

Councillor Warshick requested that a representative from the Lounge and Beverage Room Association of Nova Scotia be invited to sit on the working group. Council agreed to the request based on the condition that staff review the composition of the group to ensure a balance is maintained.

Responding to a question of Councillor Streach, Councillor Harvey stated the same individuals may not be on the working group, but the same groups would be represented.

Speaking in support of the By-Law review, Councillor Rankin expressed concern that there may already be some bias with the circulation of the Cape Breton Regional Municipality By-Law. The Councillor stated it would be his opinion that the Committee would gather the appropriate material and come back to Council with a report prepared with a balanced approach. Councillor Rankin stated the recommendation from the Committee could be the status quo.

Responding to a question of Councillor Adams regarding the mandate of the committee, Councillor Harvey stated it would be to determine if the status quo is acceptable, and, if not, does Council need to move forward with this issue. In response to a further question of the Councillor, Councillor Harvey stated the working group could also recommend some slackening of the by-law, but Council will make the final decision. Councillor Adams also expressed concern of bias with the circulation of the Cape Breton Regional Municipality By-Law.

Councillor Sarto spoke in support of the review with a balanced approach.

Councillor Mosher stated she would like to see other municipalities by-laws, other than just Cape Breton Regional Municipality. The Councillor noted strict changes were instituted in Toronto resulting in various experiences. Councillor Mosher stated, if a phased in approach is taken, she would also like to see the working group assess ventilation systems to make it safe for the workers in these establishments.

Councillor Cooper suggested Council should make it clear to the working group what direction it would like to take with respect to this matter. The Councillor stated HRM has started on a course of action with this issue, and the majority of residents would not appreciate it if the Municipality started backtracking and considered eliminating the By-Law.

Councillor Smith stated it was clear from past documents regarding this issue that further increments of the By-Law would be coming forward. The Councillor spoke about the detrimental effects of smoking and secondhand smoke.

Deputy Mayor Blumenthal stated it was his understanding that the By-Law was to be progressive and that the review was not meant to keep the status quo.

Councillor Colwell stated the current By-Law has been very well accepted by the general public, and he would not want to see it go backwards.

Closing the debate, Councillor Harvey asked for Council's support for the motion, noting Council can deal with the report when it comes back.

MOTION PUT AND PASSED UNANIMOUSLY.

9. PUBLIC HEARINGS

9.1 Second Reading By-Law D-200 Respecting Deed Transfer Tax

- By-Law D-200 Respecting Deed Transfer Tax passed First Reading on June 19, 2001, and was now before Council for Second Reading.

Mr. Wayne Anstey, Municipal Solicitor, presented the staff report to Council.

Mayor Kelly called three times for members of the public wishing to speak either in favour of or against the By-Law. Hearing none, the following motion was put on the floor:

MOVED by Councillor Cunningham, seconded by Councillor Goucher, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor Hetherington, seconded by Councillor Cooper, that By-Law D-200 Respecting Deed Transfer Tax be given Second Reading. MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Petitions

There were no petitions served at this meeting.

10.2 Presentation

10.2.1 USA/CANADA Lions Leadership Forum - Sackville Lions Club, Jim Sherry

Mr. Jim Sherry made a presentation to Council regarding the USA/Canada Lions Leadership Forum to be held at the World Trade and Convention Centre from Sept. 20 - 22. Mayor Kelly

thanked Mr. Sherry for his presentation and wished him well with the event. Councillors Sloane, Rankin and Colwell also expressed appreciation to the Lions Club for bringing this event to the Halifax Regional Municipality and for their excellent work in the community.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender 01-261 Resurfacing Projects - Western Region

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Sloane, seconded by Deputy Mayor Blumenthal, that Council award Tender No. 01-261, Resurfacing Projects - Western Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$552,000.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$646,237.00 with funding authorized as per the Budget Implications section of the staff report dated July 3, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.2 Tender 01-084 Collection and Transportation of Source Separated Solid Waste from Condominium Properties

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Cunningham, seconded by Deputy Mayor Blumenthal, that Council award Tender No. 01-084, Collection and Transportation of Source-Separated Solid Waste from Condominium Properties for a three year period as follows:

1. **To Enviro Waste Ltd. in Area A - Halifax at a price of \$601,624.80 and in Area B - Dartmouth at a price of \$353,224.80.**
2. **To Green Waste Systems Inc. in Area C - Bedford at a price of \$154,596.60.**

The HST is included in the above prices and funding is outlined in the Budget Implications Section of the staff report dated July 3, 2001.

Deputy Mayor Blumenthal requested a staff report regarding how the condominiums are doing with source separation.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.3 Quotation 2001M756 Purchase of Ten Mobile Video Systems for Police Vehicles

- A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Hetherington, seconded by Councillor Cunningham, that Council authorize the award of Quotation 2001M756 to Instructor Aids Limited, for a total project cost of \$73,025.00 (HST included) with said funds to be derived from the 2001/02 Capital Budget in Account #CVK00089 Fleet Replacement Marked Vehicles. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.4 Standard Crossing and Unfunded Crossing Warning System Agreements CN and Halifax Regional Municipality Joseph Howe Drive Bi-Hi Ramp Project - Tender No. 00-287

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Walker, seconded by Councillor Adams, that Council authorize the Mayor and the Municipal Clerk to execute the Standard Crossing Agreement and the Standard Unfunded New Crossing Warning System Agreement between CN and the Halifax Regional Municipality which pertains to the new signalized railway grade crossing of the subject project, attached to the staff report dated July 3, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.5 Area Rate Herring Cove Transit

- A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Adams, seconded by Councillor Mosher, that staff proceed with community consultations under the interim area rate guidelines to levy an area rate in 2002-2003 against all residential and resource properties of Herring Cove currently designated suburban and detailed in Appendix A attached to the staff report dated June 28, 2001. This rate will recover the cost of Metro Transit line #20 including the 2001-2002 cost; and that the Tax Structure Committee review the arrangements whereby transit services in suburban and rural areas are financed. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.6 By-Law O-100 Respecting Open Air Burning

- A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Whalen, seconded by Councillor Sarto, that Council adopt, in principle, the Amendments to By-Law O-100 as written and submitted in the staff report dated June 22, 2001.

Speaking in support of the motion, Councillor Colwell expressed appreciation that his District was not included in the areas where burning is not permitted. The Councillor noted there is a lot of development taking place in that area, and burning is necessary to clear the land as the alternatives are very expensive and time-consuming.

Responding to a question of Councillor Hetherington, Mr. Wayne Chapdelaine, Fire Inspector, Fire and Emergency Services, stated there is a specific section in the new By-Law dealing with uncertified open air burning appliances which contains regulations regarding placement of these appliances and what can be burned in them. Mr. Chapdelaine confirmed that the By-Law would cover existing appliances as well as new ones.

Councillor Rankin inquired if it is the intention that the Fire Chief be able to designate an additional person for the issuance of fire permits. Mr. Chapdelaine responded in the affirmative. The Councillor stated that this does not appear to be reflected in Section 2 (b) of the Definitions and requested that this provision be included. Mr. Chapdelaine agreed that staff will take this into consideration for First Reading.

Councillor Cooper requested that mapping be provided to clearly define the boundaries, particularly with respect to the Westphal area. Mayor Kelly stated this will be provided for Council's review.

Responding to a question of Councillor Uteck, Mr. Chapdelaine stated a chimera would be classified as an uncertified open air burning device. The Councillor noted these devices are often used in their traditional use as an outdoor cooking pot. Councillor Uteck noted the manufacturer's advice regarding these devices is that they be placed on fire proof flashing, and she inquired how the By-Law regulation would work with homeowner insurance. Mr. Chapdelaine stated the homeowner would have to check with their specific insurance policy. He noted that if the chimera was being used for cooking purposes, the fire would probably be smaller than if wood was being burned for the sake of having an open air fire.

In response to a question of Councillor Streach, Mr. Chapdelaine stated no municipal burning permit is required in the fire protection districts listed in Schedule A, however, there are

certain guidelines that still must be followed as part of the By-Law. Information regarding these regulations can be obtained from the Fire Service Headquarters or from the local Fire Chief. With respect to penalties, Mr. Chapdelaine stated the minimum penalty is \$100 and the maximum is \$5000 or imprisonment for 30 days in default of payment.

Responding to a question of Councillor Rankin, Mr. Chapdelaine stated a site visit would be required for commercial inspections. The Councillor stated if this is not already included in the By-Law, it should be clarified to distinguish it from the other permits.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.7 Purchase of Ice Resurfacing Machine - Sackville Sports Stadium

- A revised staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Harvey, seconded by Councillor Goucher, that Council approve the addition of a capital project, in the amount of \$60,000 for the purchase of an ice resurfacing machine for the Sackville Sports Stadium. Further, that Council approve the withdrawal of funds up to \$60,000 to fund the purchase of the ice resurfacing machine from the General Fleet Reserve.

Councillor Harvey noted that this item was approved during the budget process and it is not a new item.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.8 Project # 00082: Construction and Demolition (C&D) Waste Management Strategy - Revised Public Participation Process

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

Mr. Kurt Pyle, Planner, presented the staff report to Council.

Responding to questions of Councillor Goucher, Mr. Pyle stated the time lines have already started into effect and April 1, 2002 is the first key hurdle that has to be overcome. If the amendments are not in place at that time, it will restrict the industry in complying with the actual license by-law and the overall strategy. So, it is important that the by-law and the accompanying amendments are not delayed for a couple of years or the whole strategy will fail. In terms of process, Mr. Pyle stated staff is proposing to hold joint meetings with the PACs, the Community Councils that do not have PACs, and the water advisory committees,

to ensure the issue is discussed regionally and everyone is aware of what is taking place. In response to a further question of the Councillor, Mr. Pyle stated staff has reviewed the MPS processes for the former Town of Bedford and they will not be circumvented.

In terms of consultation, Mr. Pyle stated staff is going to all three PACs at a joint meeting. The same process will be followed for all the Community Councils and all the watershed advisory boards. Councillor Goucher stated it is his opinion that this does not follow what the local MPS calls for but agreed to discuss this at another time. The Councillor stated it is important that the public be behind these projects and the public participation portion is very important. Mr. Pyle noted if the Solid Waste Resource Advisory Committee determines that additional public consultation is required in a certain area, it can go back to the community and hold additional meetings as it sees fit.

Responding to a question of Councillor Adams, Mr. Pyle stated there is nothing precluding the PACs and the watershed advisory boards from holding their own meetings if they feel the need. In response to a further question of the Councillor, Mr. Pyle stated staff hope to be before Committee of the Whole early in September and before the public in October. The matter will not likely be at the Community Council level until December. Mr. Pyle added that staff is putting together a general time line as to how this will be rolled out for the September Committee of the Whole meeting.

In response to a question of Councillor Walker, Mr. Pyle reiterated if the amendments are not put in place within a year and a half, it will restrict the industry in what it can do to achieve or satisfy the actual license by-law. With respect to the public meetings, Mr. Pyle clarified what is intended to take place.

Responding to a question of Councillor Cooper, Mr. Pyle reiterated that staff will be coming back in September with a roll out time line. The Councillor expressed concern with only one meeting being held in the Marine Drive Valley and Canal area. Mr. Pyle responded if the Councillor of District 1 wishes, an additional meeting could be held in that area. Councillor Cooper urged the Solid Waste Resource Advisory Committee to obtain and keep to a time line on this issue.

Councillor Rankin stated the Solid Waste Resource Advisory Committee did not review this proposal. The Councillor noted the driver in the revision of the plan is really time. Councillor Rankin stated he would like to see the Committee expanded for this task to ensure a good quorum of Councillors is achieved at these consultation meetings. Responding to a question of the Councillor, Mr. Pyle stated staff could meet the time line under the existing process, however it would take up a significant amount of staff time and resources, as well as a greater number of meetings. Staff believed that public consultation would be hindered if the existing approach was taken.

Councillor Streach stated he has not received any indication that anyone in District 1 has a problem with only one meeting, and given that staff resources and time are of the essence, he was prepared to move forward with this matter.

MOVED by Councillor Streach, seconded by Councillor Hetherington, that Halifax Regional Council adopt the revised public participating process for implementing a C & D Waste Management Strategy, as outlined in Attachment 1 of the staff report dated July 5, 2001.

Responding to a question of Councillor Goucher, Mr. Pyle stated it was staff's intent to request the existing water advisory committees and PACs to provide written comment following the public meetings before any decision is made by the Solid Waste Resource Advisory Committee.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.9 Proposed Amendment to Municipal Government Act Dangerous and Unightly Premises

- A staff report prepared for Wayne Anstey, Director, Legal Services, regarding the above, was before Council for its consideration.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Halifax Regional Council forward to the UNSM the resolution attached to the staff report dated June 26, 2001, for their approval at the UNSM Conference in October.

Councillor Hetherington requested that if the resolution passes, that he be permitted to pass it on to the UNSM Resolution Committee at its meeting tomorrow morning. Council agreed to the request.

Councillor Colwell stated he would like to see a total review of how by-law enforcement is conducted from the standpoint of the ability of the by-law officers to issue tickets on the spot. The Councillor stated the biggest complaints he has received in the last several months are with respect to unsightly premises. In response, Mr. Dan English, Deputy Chief Administrative Officer, stated it is staff's intention to conduct a presentation regarding the by-law enforcement process in September. Councillor Colwell suggested it should be indicated to UNSM that Council may possibly be looking at more amendments to the MGA with respect to this issue.

Responding to a question of Councillor Smith regarding the possibility of incremental fines, Mr. Wayne Anstey, Municipal Solicitor, stated this amendment would take out the specific 30 days and enable Council to, by by-law, set different time periods according to the particular

problem that the Act describes. Councillor Smith stated that this is an excellent first step and suggested another amendment should be requested to make ticketing and fining mandatory.

Speaking in support of the motion, Deputy Mayor Blumenthal stated this will help improve the situation.

Also speaking in support of the motion, Councillor Sloane stated consistency also needs to be taken into consideration.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.10 Deficit of Dartmouth North Community Centre

- A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Smith, seconded by Councillor Hetherington, that Council approve a one time increase in the operating grant of the Dartmouth North Community Centre to absorb the carried over deficit at the end of 2000-2001 in the amount of \$61,245.00. There are sufficient funds at year end to cover this one time adjustment.

Responding to a question of Councillor Walker, Mr. Dan English, Deputy Chief Administrative Officer, stated Ms. Barbara Nehiley, Staff Advisor, Special Projects, has been involved with this group for the last couple of years. Ms. Nehiley stated the Centre received a \$6,000 grant last year from the Grant Committee and a \$150,000 operating grant from Recreation. The expenditures on salaries and wages vary in accordance with grants that are received. With respect to the monies due to HRM, Ms. Nehiley stated these would be monies expended in one account and charged back to another, such as payroll. Mr. English stated staff have been working very closely with this organization to assist it with its operation. The facility is owned by HRM and it is a very valuable resource to the community. Over the last number of years, the Centre has had an accumulated deficit of \$61,000 and there are sufficient funds in the carryover surplus to address this. Therefore, this would have no effect on the budgeted surplus for this year.

In response to an additional question of Councillor Walker, Ms. Nehiley stated there is no real opportunity for this organization to raise this additional amount of money as it was not designed to be revenue generating. However, it was able to bring in almost one-half of its operating budget through fees and services and grants from other organizations. Ms. Nehiley stated this support would bring up the level of funding that HRM should have been contributing to the operation of the Centre to a proper level.

Responding to a question of Councillor Colwell, Ms. Nehiley stated the auditor's report was prepared by KPMG and was recommended to remain as draft until the issue of the deficit was addressed. Councillor Colwell expressed concern that the report was not signed. In response, Ms. Nehiley stated she could provide the name of the auditor to the Councillor.

Deputy Mayor Blumenthal stated the presence of this Centre has made a very significant difference in the lives of the people of the District, and expressed concern with the number of questions being asked regarding this issue.

Closing the debate, Councillor Smith stated the facility has had difficulties in the past and there are a lot of demands placed on it. The Councillor stated this facility provides much needed services to the community, and he expressed thanks to the Board and Ms. Nehiley for their assistance in getting the Centre back on firm ground.

MOTION PUT AND PASSED UNANIMOUSLY.

12. MOTIONS

12.1 Transfer of Local Improvement and Street Improvement Charges and Liens Upon Approved Subdivision Property

- (i) **First Reading By-Law S-409 Respecting Street Improvement Charges Motion - Councillor McInroy - Move First Reading**

MOVED by Councillor McInroy, seconded by Councillor Cunningham, that By-Law S-409 Respecting Street Improvement Charges be given First Reading. MOTION PUT AND PASSED UNANIMOUSLY.

- (ii) **First Reading By-Law L-107 Respecting Local Improvement Charges Motion - Councillor McInroy - Move First Reading**

MOVED by Councillor McInroy, seconded by Councillor Streach, that By-Law L-107 Respecting Local Improvement Charges be given First Reading. MOTION PUT AND PASSED UNANIMOUSLY.

13. ADDED ITEMS

13.1 Councillor Adams - Request to Add Information Item #7 - Concerns re: Circuses - W. Hugh Chisholm, to the Regional Council Agenda

- An Information Report prepared for Wayne Anstey, Municipal Solicitor, regarding the above, was before Council for its information.

MOVED by Councillor Adams, seconded by Councillor Mosher, that Council request the Province to amend the applicable legislation to extend jurisdiction to municipalities, at least to HRM, to enact by-laws to ban the use of exotic and wild animals in circuses.

Councillor Adams noted he was not sure if other municipalities in Nova Scotia want to participate in this and stated that he did not want to see it get hung up at the provincial level by including every municipality. Mayor Kelly stated this could be addressed by making it permissive legislation, using the word “may” rather than “must.”

Based on recent information from the Province, Councillor Hetherington suggested this matter should also be referred to the UNSM. Mayor Kelly suggested this could be added to the motion, and Council agreed. The motion now read as follows:

MOVED by Councillor Adams, seconded by Councillor Mosher, that Council send a request to the Province and UNSM that the applicable legislation be amended to extend jurisdiction to municipalities, at least to HRM, to enact by-laws to ban the use of exotic and wild animals in circuses.

Speaking against the motion, Councillor Hetherington stated this should be a provincial responsibility.

Also speaking against the motion, Councillor Streach stated this is a broad issue and it should be left with the Province of Nova Scotia.

Councillor Harvey stated in the absence of the Province’s willingness to take responsibility for this issue, it has fallen to the municipalities to make these laws themselves. Therefore, the Councillor stated he would support the motion.

Councillor Sloane also spoke in support of the motion stating the safety of the animals needs to be considered as well as the environment these circuses create for the children visiting them.

Also speaking in support of the motion, Councillor Mosher stated five municipalities in Nova Scotia are already examining this issue. The Councillor stated HRM should work with the Province to obtain the jurisdiction for this matter.

Councillor Cunningham stated he would like to have more information on this by-law and what is taking place in other municipalities across Canada and the United States.

MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that this matter be referred to staff for a further report.

Speaking against the referral, Councillor Adams stated this is not an issue of jurisdiction, it is an issue of humanity. The Councillor stated this is an opportunity for HRM to speak for those who cannot defend or speak for themselves. Councillor Adams noted the Province has shown it will not take responsibility for a number of other issues, and they are not going to take responsibility for this either.

The vote was then taken on the deferral.

MOTION DEFEATED.

The vote was then taken on the main motion.

MOTION PUT AND PASSED.

13.2 Legal Matter - Settlement of Claim

- This matter was discussed during an In Camera Session held earlier in the day and was now before Council for ratification.

MOVED by Councillor Smith, seconded by Councillor Sloane, that Halifax Regional Council approve the settlement of this claim brought by the Plaintiff in the amount of \$28,000.00 as settlement in full upon obtaining a full release from the Plaintiff from any further claims arising out of the accident which occurred on November 27, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

13.3 Legal Matter - Settlement of Claim

- This matter was discussed during an In Camera Session held earlier in the day and was now before Council for ratification.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Halifax Regional Council settle this claim brought by the Plaintiff in the amount of \$11,500.00 as settlement in full upon obtaining a full release from the Plaintiff from any further claims arising out of the accident which occurred on February 25, 1999; and further that staff investigate the possibility of instituting mandatory testing for drivers of HRM vehicles involved in transporting the public, after being involved in an accident. MOTION PUT AND PASSED UNANIMOUSLY.

14. **NOTICES OF MOTION**

14.1 **Councillor Whalen - By-Law O-100**

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on July 17, 2001, I propose to introduce for First Reading, the amended By-Law O-100, Respecting Open Air Burning.

14.2 **Councillor Rankin - Administrative Order 27**

TAKE NOTICE that at the meeting of Halifax Regional Council to be held on Tuesday, July 17, 2001, I intend to introduce a motion that Council approve Administrative Order 27, Respecting Materials that shall not be disposed of in a C & D Disposal Site.

15. **ADJOURNMENT**

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the meeting adjourn at 8:00 p.m. **MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk